

AMENDED IN SENATE JULY 9, 2013
AMENDED IN SENATE JUNE 12, 2013
AMENDED IN ASSEMBLY MAY 14, 2013
AMENDED IN ASSEMBLY APRIL 23, 2013
AMENDED IN ASSEMBLY MARCH 20, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 354

Introduced by Assembly Member Dahle

February 13, 2013

An act to amend Sections ~~303.5, 9051,~~ 9160, 9280, 9313, 9314, and 9500 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 354, as amended, Dahle. ~~Ballot~~ *Local ballot* measures: ~~ballot title and summary:~~ impartial analysis.

~~Under existing law, a statewide ballot measure may be placed on the ballot at a statewide election by a petition signed by the requisite number of voters or by the Legislature. Existing law requires the Attorney General to provide a ballot title and summary and ballot label for each ballot measure submitted to the voters at a statewide election. Existing law defines a ballot title and summary as a summary of the chief purpose and points of, including a summary of the fiscal impact of, a statewide ballot measure. Existing law specifies that the ballot title and summary shall not exceed 100 words, not including the fiscal impact summary.~~

~~This bill would require the ballot title and summary for a statewide ballot measure to include a statement indicating whether the measure~~

~~was placed on the ballot by a petition signed by the requisite number of voters or by the Legislature. The bill would specify that this statement shall not be included in the 100-word limit for the ballot title and summary.~~

Under existing law, a county, city, or district ballot measure may be placed on the ballot at the county, city, or district election by a petition signed by the requisite number of voters or by the county board of supervisors, the governing body of the city, or the governing body of the district, respectively. Whenever a county, city, or district measure qualifies for a place on the ballot, existing law requires the county counsel or city attorney, as applicable, to prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure.

This bill would require the impartial analysis for a county, city, or district ballot measure to include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the county board of supervisors, city governing body, or district governing body, respectively.

Under existing law, a ballot measure may be placed on the ballot at a school district election by the governing board of the school district. Whenever a school district ballot measure is placed on the ballot, existing law requires the county counsel or district attorney, as applicable, to prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure.

This bill would require the impartial analysis for a school district ballot measure to include a statement indicating that the measure was placed on the ballot by the governing board of the school district.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 303.5 of the Elections Code is amended~~
- 2 ~~to read:~~
- 3 ~~303.5. (a) “Ballot title” means the name of a statewide measure~~
- 4 ~~included in the ballot label and the ballot title and summary.~~
- 5 ~~(b) “Ballot title and summary” means the summary of the chief~~
- 6 ~~purpose and points of, including the fiscal impact summary of, a~~
- 7 ~~measure that appears in the state ballot pamphlet. The ballot title~~
- 8 ~~and summary shall include a statement indicating whether the~~

1 measure was placed on the ballot by petition or by the Legislature
2 and a summary of the measure's fiscal impact. The ballot title and
3 summary shall not exceed 100 words, not including the fiscal
4 impact summary or the statement indicating whether the measure
5 was placed on the ballot by petition or by the Legislature.

6 (e) (1) "Circulating title and summary" means the text that is
7 required to be placed on a petition for signatures that is either one
8 of the following:

9 (A) The summary of the chief purpose and points of a proposed
10 initiative measure that affects the Constitution or laws of the state,
11 and the fiscal impact of the proposed initiative measure.

12 (B) The summary of the chief purpose and points of a
13 referendum measure that affects a law or laws of the state.

14 (2) The circulating title and summary shall not exceed 100
15 words, not including the fiscal impact summary.

16 SEC. 2. Section 9051 of the Elections Code is amended to read:

17 9051. (a) (1) The ballot title and summary may differ from
18 the legislative, circulating, or other title and summary of the
19 measure. The ballot title and summary shall include a statement
20 indicating whether the measure was placed on the ballot by a
21 petition signed by the requisite number of voters or by the
22 Legislature. The ballot title and summary shall not exceed 100
23 words, not including the fiscal impact summary or the statement
24 indicating whether the measure was placed on the ballot by petition
25 or by the Legislature.

26 (2) The ballot title and summary shall be amended to include a
27 summary of the Legislative Analyst's estimate of the net state and
28 local government fiscal impact prepared pursuant to Section 9087
29 of this code and Section 88003 of the Government Code.

30 (b) The ballot label shall contain no more than 75 words and
31 shall be a condensed version of the ballot title and summary,
32 including the financial impact summary prepared pursuant to
33 Section 9087 of this code and Section 88003 of the Government
34 Code.

35 (c) In providing the ballot title and summary, the Attorney
36 General shall give a true and impartial statement of the purpose
37 of the measure in such language that the ballot title and summary
38 shall neither be an argument, nor be likely to create prejudice, for
39 or against the proposed measure.

1 ~~SEC. 3.~~

2 ~~SECTION 1.~~ Section 9160 of the Elections Code is amended
3 to read:

4 9160. (a) Whenever a county measure qualifies for a place on
5 the ballot, the county elections official shall transmit a copy of the
6 measure to the county auditor and to the county counsel or to the
7 district attorney in a county that has no county counsel.

8 (b) The county counsel or district attorney shall prepare an
9 impartial analysis of the measure showing the effect of the measure
10 on the existing law and the operation of the measure. The analysis
11 shall include a statement indicating whether the measure was
12 placed on the ballot by a petition signed by the requisite number
13 of voters or by the board of supervisors. The analysis shall be
14 printed preceding the arguments for and against the measure. The
15 analysis may not exceed 500 words in length.

16 In the event the entire text of the measure is not printed on the
17 ballot, nor in the voter information portion of the sample ballot,
18 there shall be printed immediately below the impartial analysis,
19 in no less than 10-point boldface type, a legend substantially as
20 follows:

21 “The above statement is an impartial analysis of Ordinance or
22 Measure _____. If you desire a copy of the ordinance or measure,
23 please call the elections official’s office at (insert telephone
24 number) and a copy will be mailed at no cost to you.”

25 The elections official may, at his or her discretion, add the
26 following message: “You may also access the full text of the
27 measure on the county Web site at the following Web site address
28 (insert Web site address).”

29 (c) Not later than 88 days prior to an election that includes a
30 county ballot measure, the board of supervisors may direct the
31 county auditor to review the measure and determine whether the
32 substance thereof, if adopted, would affect the revenues or
33 expenditures of the county. He or she shall prepare a fiscal impact
34 statement which estimates the amount of any increase or decrease
35 in revenues or costs to the county if the proposed measure is
36 adopted. The fiscal impact statement is “official matter” within
37 the meaning of Section 13303, and shall be printed preceding the
38 arguments for and against the measure. The fiscal impact statement
39 may not exceed 500 words in length.

1 ~~SEC. 4.~~

2 *SEC. 2.* Section 9280 of the Elections Code is amended to read:

3 9280. Whenever a city measure qualifies for a place on the
4 ballot, the governing body may direct the city elections official to
5 transmit a copy of the measure to the city attorney, unless the
6 organization or salaries of the office of the city attorney are
7 affected. The city attorney shall prepare an impartial analysis of
8 the measure showing the effect of the measure on the existing law
9 and the operation of the measure. The analysis shall include a
10 statement indicating whether the measure was placed on the ballot
11 by a petition signed by the requisite number of voters or by the
12 governing body of the city. If the measure affects the organization
13 or salaries of the office of the city attorney, the governing board
14 may direct the city elections official to prepare the impartial
15 analysis. The analysis shall be printed preceding the arguments
16 for and against the measure. The analysis shall not exceed 500
17 words in length.

18 In the event the entire text of the measure is not printed on the
19 ballot, nor in the voter information portion of the sample ballot,
20 there shall be printed immediately below the impartial analysis,
21 in no less than 10-point bold type, a legend substantially as follows:

22 “The above statement is an impartial analysis of Ordinance or
23 Measure _____. If you desire a copy of the ordinance or measure,
24 please call the elections official’s office at (insert telephone
25 number) and a copy will be mailed at no cost to you.”

26 ~~SEC. 5.~~

27 *SEC. 3.* Section 9313 of the Elections Code is amended to read:

28 9313. Except as provided in Section 9314, whenever a district
29 measure is submitted to the voters, the district elections official
30 shall transmit a copy of the measure to the county counsel, or to
31 the district attorney if there is no county counsel, of the county
32 that contains the largest number of registered voters of the district.
33 The county counsel or district attorney shall prepare an impartial
34 analysis of the measure showing the effect of the measure on the
35 existing law and the operation of the measure. The analysis shall
36 include a statement indicating whether the measure was placed on
37 the ballot by a petition signed by the requisite number of voters
38 or by the governing body of the district. The analysis shall be
39 printed preceding the arguments for and against the measure. The
40 analysis shall not exceed 500 words in length.

1 In the event the entire text of the measure is not printed on the
2 ballot nor in the voter information portion of the sample ballot,
3 there shall be printed immediately below the impartial analysis,
4 in no less than 10-point bold type, a legend substantially as follows:

5 “The above statement is an impartial analysis of Ordinance or
6 Measure _____. If you desire a copy of the ordinance or measure,
7 please call the district elections official’s office at (insert telephone
8 number) and a copy will be mailed at no cost to you.”

9 ~~SEC. 6.~~

10 *SEC. 4.* Section 9314 of the Elections Code is amended to read:

11 9314. (a) Whenever a district measure is submitted to the
12 voters of a water district, the district elections official shall transmit
13 a copy of the measure to the legal counsel for the water district,
14 or to the county counsel if there is no legal counsel for the water
15 district, of the county that contains the largest number of registered
16 voters of the water district. Except as otherwise provided in
17 subdivision (b), if there is a legal counsel for the water district, he
18 or she shall prepare, subject to review and revision by the county
19 counsel, an impartial analysis of the measure showing the effect
20 of the measure on the existing law and the operation of the
21 measure. The analysis shall include a statement indicating whether
22 the measure was placed on the ballot by a petition signed by the
23 requisite number of voters or by the governing body of the water
24 district. The analysis shall be printed preceding the arguments for
25 and against the measure. The analysis shall not exceed 500 words
26 in length.

27 In the event the entire text of the measure is not printed on the
28 ballot nor in the voter information portion of the sample ballot,
29 there shall be printed immediately below the impartial analysis,
30 in no less than 10-point bold type, a legend substantially as follows:

31 “The above statement is an impartial analysis of Ordinance or
32 Measure _____. If you desire a copy of the ordinance or measure,
33 please call the district elections official’s office at (insert telephone
34 number) and a copy will be mailed at no cost to you.”

35 (b) If there is no legal counsel for the water district, or if the
36 legal counsel for the water district and the county counsel so agree,
37 the county counsel shall prepare the impartial analysis.

38 (c) As used in this section:

39 (1) “Legal counsel for the water district” means the attorney
40 designated under the district’s conflict of interest code as its legal

1 officer pursuant to Article 3 (commencing with Section 87300) of
2 Chapter 7 of Title 9 of the Government Code.

3 (2) “County counsel” means the district attorney if there is no
4 county counsel.

5 (3) “Water district” means a water district as defined in Section
6 20200 of the Water Code.

7 ~~SEC. 7.~~

8 *SEC. 5.* Section 9500 of the Elections Code is amended to read:

9 9500. (a) Whenever a school measure qualifies for a place on
10 the ballot, the county elections official shall transmit a copy of the
11 measure to the county counsel or to the district attorney in a county
12 that has no county counsel.

13 (b) The county counsel or district attorney shall prepare an
14 impartial analysis of the measure, showing the effect of the measure
15 on the existing law and the operation of the measure. The analysis
16 shall include a statement indicating that the measure was placed
17 on the ballot by the governing board of the district. The analysis
18 shall be printed preceding the arguments for and against the
19 measure. The analysis shall not exceed 500 words in length.